

Remarks

In the present application, claims 21-36 are pending.

Claims 22, 28 and 32-36 have been cancelled without prejudice.

Upon entry of the amendment, Claims 21-31 will be pending.

Claims 1, 30 and 31 have been amended to modify the potassium salt concentrations, require select polar surfactants, incorporate a water concentration and characterize the inventive composition as a mouthrinse for reducing nerve sensitivity. Additionally, Claims 23-29 have been amended to begin with a definite article. Support for the amendments can be found in the claims as originally filed or at page 15, lines 32-34; page 17, lines 14-18; and page 19, lines 26-27 of the specification.

Invention Synopsis

The present invention, as amended, relates to mouthrinse compositions suitable for loosening or removing plaque and reducing dental nerve and/or dentin sensitivity with a non-menthol flavoring, comprising an orally-acceptable, soluble potassium salt; a sodium (C_8 - C_{24}) alkyl sulfate; select orally-acceptable polar surfactant; and an orally-acceptable aqueous vehicle comprising from about 50% to about 85% water, wherein the potassium salt is dissolved in the composition and wherein the molar ratio of the polar surfactant to the sodium alkyl sulfate is greater than or equal to about 1:1 such that when the potassium salt, alkyl sulfate and polar surfactant are dissolved in aqueous vehicle, the resultant composition is clear.

Rejection Under 35 USC §112

The Examiner has rejected claims 21-31 under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have deleted Claims 22 and 28 and incorporated the Examiner's suggestion regarding the remainder of the claims. Additionally, Applicants have modified the Title and Abstract in accordance with the Examiner's suggestion. This should obviate the Examiner's objections.

Rejection Under 35 USC § 102

The Examiner has rejected claims 21-25 and 29-31 under 35 USC 102(b) as anticipated by US Patent 6,193,958 to Edwards et al. (Edwards); U.S. Patents 5,827,505; 6,004,538 and 6,294,154 to Hughes et al. (collectively referred to as "Hughes").

Applicants respectfully traverse this rejection.

Edwards relates to oral compositions comprising, inter alia, an aminoalkylsilicone and a silicone surfactant. Edwards further mentions the optional use of surfactants such as alkyl sulphates or sarcosinates and desensitizing agents such as potassium nitrate or potassium citrate. Nowhere, however, does Edwards teach or suggest combining

the above elements at the concentrations and ratios of the present invention, as amended, to achieve *clear* compositions. In contrast, the compositions of the present invention, as amended, specifically incorporate select orally-acceptable polar surfactants with soluble potassium salts and sodium (C₈-C₂₄) alkyl sulfates to achieve clear compositions useful for treating the oral cavity. Therefore, since Edwards nowhere teaches or suggests incorporating select polar surfactants with alkyl sulphate surfactants and potassium salts to achieve clear compositions, the compositions of the present invention are not anticipated by nor would they have been obvious over this reference.

Hughes relates to dimethicone copolyol containing oral compositions. Hughes further mentions the optional use of surfactants such as alkyl sulphates or sarcosinates and desensitizing agents such as potassium nitrate or potassium citrate. Like Edwards, however, Hughes nowhere teaches or suggests combining the above elements at the concentrations and ratios of the present invention, as amended, to achieve *clear* compositions. In contrast, the compositions of the present invention, as amended, specifically incorporate select orally-acceptable polar surfactants with soluble potassium salts and sodium (C₈-C₂₄) alkyl sulfates to achieve clear compositions useful for treating the oral cavity. Therefore, since Hughes nowhere teaches or suggests incorporating select polar surfactants with alkyl sulphate surfactants and potassium salts to achieve clear compositions, the compositions of the present invention are not anticipated by nor would they have been obvious over this reference.

In light of the remarks made herein, it is respectfully submitted that the Examiner's rejection under 35 USC §102 has been overcome. Applicants respectfully submit that they have distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, reconsideration and allowance of Claims 21-31 are earnestly solicited.

Respectfully submitted,

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December 20, 2005

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